

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**COUNCIL CHAMBERS**  
**WILLMAR MUNICIPAL UTILITIES BUILDING**  
**WILLMAR, MINNESOTA**

January 12, 2009  
7:00 p.m.

City Clerk Kevin Halliday, chief officer in charge of voting for the City of Willmar, presented to Council Members Denis Anderson, Tim Johnson, Steve Ahmann, and Jim Dokken Certificates of Election. The Honorable Judge Don Spilseth, Judge of District Court, officiated the Swearing-in Ceremonies of the Council Members.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Mayor Heitke called upon The Reverend Paul McCullough, Police Department Chaplin, to give the invocation.

The Council requested the Municipal Utilities Commission Minutes of December 22, 2008, and Building Inspection Report be removed from the Consent Agenda.

Council Member Anderson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of December 15, Rice Hospital Board Minutes of December 10, Convention and Visitor's Bureau Minutes of November 18, Community Education and Recreation Board Minutes December 5, Senior Citizens Council Minutes of December 3, 2008; Municipal Utilities Commission Minutes of January 5, and Community Center Council Minutes of January 7, 2009; Applications for Exempt Permits, Willmar Sertoma Club and Prairie Pothole Chapter; Out-of-State Travel, Council Member DeBlieck; and Mayoral appointments: Municipal Utilities Commission – Matt Schrupp and Marv Kray; Rice Hospital Board – Eric Weiberg; Planning Commission – Bob Mathiasen and Mark Klema; and Airport Commission – Dan Reigstad and Pat Curry. Council Member Christianson seconded the motion, which carried.

The Mayor and Council discussed the MUC's Labor Relations closed session regarding employee job duties and pay grade changes. Council Member DeBlieck moved to approve the Municipal Utilities Commission Minutes of December 22, 2008, with Council Member Fagerlie seconding the motion, which carried.

Following discussion of the building permits year-to-date total of \$70,002,629, Council Member Anderson moved to approve the Building Inspection Report for December, 2008, with Council Member Dokken seconding the motion, which carried.

At 7:20 p.m. Mayor Heitke opened a public hearing for the Willmar Housing and Redevelopment Authority, 2009 Small Cities Development Program. HRA Executive Director Dorothy Gaffaney presented details of the application being submitted for 2009 SCDP funds for 13 units of owner-occupied rehabilitation in the east side target area, 10 properties for commercial rehabilitation in the Central Business District, and 15 rental units in the Central Business District in Willmar; and 7 units of owner-occupied rehabilitation in Pennock. Ms. Gaffaney explained that part of the application process, the Council must vote to support the project, pass a cooperative agreement between the City of Pennock and Willmar, and adopt findings that the Central Business District is characterized by conditions of slum and blight. There being no one present to speak for or against the 2009 SCDP, Mayor Heitke closed the

hearing at 7:30 p.m.

Following discussion, Resolution No. 1 was introduced by Council Member Anderson, seconded by Council Member Ahmann, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

SCDP GRANT CONDITION FINDINGS

WHEREAS, the City of Willmar is undertaking a program of commercial, rental, and residential revitalization, rehabilitation, and redevelopment, and

WHEREAS, the City of Willmar has identified a specific area hereafter referred to as the Downtown Commercial Rehabilitation Project "target area" in which rehabilitation, revitalization, and redevelopment activities will occur; and

WHEREAS, the Willmar City Council has assessed the condition of the buildings and the other characteristics of the target area and has determined that the area can be characterized as blighted by reasons of "dilapidation, obsolescence, overcrowding, faulty arrangement of design, lack of ventilation, light and sanitary facilities, excessive land coverage or deleterious land use or obsolete layout or any combination of these or other factors, which are detrimental to the safety, health, morals, or welfare of the community" in accordance with Minnesota Statute 469.002 Subd. 11.

FURTHERMORE, the Willmar City Council has identified conditions of deterioration including the existence of substandard rental units, the inability of commercial structures to meet codes, the general conditions of deteriorating storefronts and facades on the commercial buildings, and the existence of dilapidated structures which contribute to the blighted conditions of the target area (map of the target area on file in the City Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED, that by the Resolution of the City Council of the City of Willmar, the area identified in the target area on the attached map is characterized by conditions meeting Minnesota Statute 469.002 Subd. 11 definition of "blighted area".

Dated this 12<sup>th</sup> day of January, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member DeBlieck, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

A RESOLUTION OF THE CITY OF WILLMAR TO APPROVE A COOPERATION AGREEMENT  
BY AND BETWEEN THE CITIES OF WILLMAR AND PENNOCK, MINNESOTA

WHEREAS, it is the desire of the City of Willmar to enter into a Cooperation Agreement with the City of Pennock for the purpose of acting as Legal Sponsor for the project contained in the Minnesota Department of Employment and Economic Development Small Cities Development Program Application to be submitted on January 15, 2009.

NOW, THEREFORE, BE IT RESOLVED that the Cooperation Agreement attached hereto as Exhibit A and hereby is approved; and

BE IT FURTHER RESOLVED that the Mayor and City Administrator are hereby authorized to execute the Cooperation Agreement.

Dated this 12<sup>th</sup> day of January, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Anderson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

### RESOLUTION NO. 3

#### A RESOLUTION OF THE CITY OF WILLMAR IN SUPPORT OF A SMALL CITIES DEVELOPMENT PROGRAM PROJECT

BE IT RESOLVED, that the City of Willmar will act as the legal sponsor for project(s) contained in the Minnesota Department of Employment and Economic Development Small Cities Development Program application to be submitted on January 15, 2009, and that the Mayor and the City Administrator are hereby authorized to apply to the Minnesota Department of Employment and Economic Development for funding of this project on behalf of the Cities of Willmar and Pennock.

BE IT FURTHER RESOLVED, that the City of Willmar has legal authority to apply for financial assistance, and the institutional, managerial, and financial capacity to ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED, that the City of Willmar has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED, that upon approval of its application by the state, the City of Willmar may enter into an agreement with the State of Minnesota, for the above-referenced project(s), and that the City of Willmar certifies that it will comply with all applicable laws and regulations as stated in all contract agreements as described in the Compliances section of the application.

BE IT FURTHER RESOLVED, that the City of Willmar has determined that it faces the same eligible need(s) as the community of Pennock and will submit a joint application to include Pennock. The City of Pennock agrees to designate Willmar as the lead applicant in the Minnesota Department of Employment and Economic Development Small Cities Development Program application.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the City Administrator are hereby authorized to execute such agreements and amendments thereto, as are necessary to implement the project(s) on behalf of the applicant.

Dated this 12<sup>th</sup> day of January, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

The Finance Committee Report for December 22, 2008, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 The Committee was informed by Staff that the second 2008 Local Government Aid payment due from the State of Minnesota on December 26th will be \$1,870,752, which is a decrease of \$316,537 pursuant to the Governor's 2008 State Aid Unallotment. Preliminary projections show that 2008 revenues in excess of expenditures should cover most of this cut. Should that not happen, unspent capital appropriations beginning with 2005 and forward will be applied to any remaining deficit.

Approximately \$4.5 million was originally calculated to be received in 2009 LGA funds; however, it is anticipated that amount may be significantly reduced by the State in order to balance its budget. The City Administrator has placed a freeze on major capital, furniture, equipment and vehicle expenditures, as well as any staff positions that are currently or may become vacant. The actual 2009 LGA amount may not be determined by the State Legislature until May.

The Committee recommended setting a date for a full-council work session to begin discussing strategies for reducing the 2009 City Budget Expenditures. This matter was for information only.

Item No. 2 The Committee was informed by Staff that the United States Department of Justice has awarded \$134,152 in Federal funds to the City of Willmar's Police Department for one full-time position plus equipment for the Gang Enforcement Team in 2009 and 2010. Council action is not being requested at this time, but the award should be taken into consideration by the Council when reviewing the City's budget cuts. This matter was for information only.

Item No. 3 The Committee discussed the matter of the Willmar Municipal Utilities anticipating the issuance of \$8,730,000 in utility revenue bonds for the wind turbine project. A public hearing is required to be held as part of the bonding process. The Committee was informed that the hearing will be scheduled for February 17, 2009, for the Municipal Utilities wind turbine project revenue bond issue upon receipt of the bond resolution by Bond Counsel. This matter was for information only.

The Finance Committee Report for December 22, 2008, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Fagerlie, and carried.

The Labor Relations Committee Report for December 23, 2008, was presented to the Mayor and Council by Council Member Reese. There was one item for Council consideration.

Item No. 1 Chair Gardner announced that it was the intent of the Committee to close the meeting to discuss employee contract negotiations and strategies with Hospital officials. Council Member Anderson moved to close the meeting at 4:45 p.m. with Council Member Reese seconding the motion, which carried. At 5:52 p.m. the meeting was reopened up motion by Council Member Anderson, seconded by Council Member Reese, which carried. This matter was for information only.

The Labor Relations Committee Report for December 23, 2008, was approved as presented upon motion by Council Member Anderson, seconded by Council Member Reese, and carried.

The Public Works/Safety Committee Report for December 30, 2008, was presented to the Mayor and Council by Council Member Reese. There were five items for Council consideration.

Item No. 1 The Committee considered a proposed list of improvements for 2009 which includes reconstruction, overlay, new construction, underground utility work, and miscellaneous projects. Staff briefly reviewed the streets and miscellaneous items proposed for construction. This year's improvements include reconstruction and overlay of various streets, including those that coincide with the County's road construction program, new development, the Waste Treatment project, and projects eligible in the Five-Year Street Program.

New construction is proposed for Willmar Avenue SW from TH 40 to 22<sup>nd</sup> Street SW to complete the new road system near the former airport property, downtown access off of Litchfield Avenue, Pleasant View Drive where underground utilities were installed last year, and the 4<sup>th</sup> Avenue SW cul-de-sac in the industrial park.

Underground utility work is planned along Willmar Avenue SW in conjunction with the County's road construction. Deck maintenance to the 1<sup>st</sup> Street Bridge is proposed, along with a quiet zone at the 10<sup>th</sup> Street railroad crossing; other storm water related improvements, and crack sealing, as well as seal coating, in various areas.

Following discussion, the Committee was recommending the Council order preparation of the Improvement Report for the 2009 Improvements. Resolution No. 4 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 4

#### ORDER OF IMPROVEMENT REPORT

WHEREAS, it is proposed to construct the following improvements under the 2009 Improvement Project:

grading, gravel base, curb and gutter, tiling, bituminous pavement, sidewalk, service lines, sanitary sewer, storm sewer, water main, and street lighting

and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Section 429.011 to 429.111 (Laws 1953, Chapter 398, as amended).

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WILLMAR, MINNESOTA:

That the proposed improvement be referred to the City Engineer for study, and that he is instructed to report to the Council advising the Council in a preliminary way as to whether the proposed improvement is feasible, and as to whether it should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvement as recommended.

Dated this 12<sup>th</sup> day of January, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 2 Staff informed the Committee that one quote was received on December 30, 2008, for the 2009 Sanitation Requirements. The quote from West Central Sanitation is in the amount of \$31,388.00. West Central Sanitation was the service provider in 2008 at a cost of \$29,880.00.

Following discussion, the Committee was recommending the Council accept the quote of West Central Sanitation as presented and authorize the Mayor and City Administrator to enter in an agreement on behalf of the City. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the quote of West Central Sanitation, Inc. of Willmar, Minnesota for the 2009 Annual Sanitation Requirements is accepted, and be it further resolved that the Mayor and City Administrator of

the City of Willmar are hereby authorized to enter into an agreement with the vendor for the terms and consideration of the contract in the amount of \$31,388.00.

Dated this 12<sup>th</sup> day of January, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 Rhonda Rae, Donohue and Associates, presented to the Committee an Unanticipated Allowance No. 2 for Project No. 0812-C. This project is the construction of the main facility and buildings, along with approximately 450 LF of 54" interceptor that connects the other interceptor project to the head works building. Donohue and Associates is recommending that a polyurea coating be applied to this section of the interior to coincide with the lining in the pipe up to this point. The proposed total cost for coating this portion of the interceptor is \$75,775.90. The funding is part of the contract under "Unanticipated Allowances."

The Committee was recommending the Council approve Unanticipated Allowance No. 2 for Project No. 0812-C and authorize the City Administrator to execute the necessary documents on behalf of the City. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 6

WHEREAS, the City of Willmar entered into Contract No. 0812-C with Graham Construction Services, Inc. for the construction of a new Wastewater Treatment Facility (WWTF);

WHEREAS, Change Order No. 1 and Change Order No. 2 decreasing the amount by \$397,788 and \$10,000 respectively have been previously authorized;

WHEREAS, Unanticipated Allowance No. 1, Unsuitable Soils, increased the amount by \$17,191.77 out of a \$500,000 allowance and has been previously authorized; and

WHEREAS, it is recommended to approve the coating of the 54-inch influent line and corresponding manholes.

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that Unanticipated Allowance No. 2 be approved, as a result, the contract amount will be increased in the amount of \$75,775.90 to Project 0812-C Wastewater Treatment Facility.

Dated this 12<sup>th</sup> day of January, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 Rhonda Rae, Donohue and Associates, briefed the Committee on December activities related to the relocation of the Wastewater Treatment Plant. Program management activities included continued meetings with staff to discuss funding and finance issues; submittal of pay requests 7 and 8 to the Public Facilities Authority for the Clean Water Revolving Fund Loan and Wastewater Improvement Fund. Pay Request No. 1 was submitted to PFA for the Total Maximum Daily Load Grant. Meetings with City staff and Springsted were held regarding the proposed sewer utility rate structure. Donohue submitted a draft copy to Staff for final review and comment of Chapter 16 of the Willmar Municipal Code.

In relation to construction, Donohue provided management on all the conveyance projects during December. Project No. 0814-D4 has installed approximately 5,600 LF of pipe and 2,500 LF of force main; Project No. 0815-D5 has installed 5,200 LF of force main and 1,100 LF of gravity sewer pipe; the contractor for Project 0813-D3 does not plan any pipe installation in City streets until the spring of 2009.

The construction of the plant facility included installation of rebar and forming and pouring walls for the JOTS oxidation ditches. Under slab and site utility piping are also being installed. Excavation has begun for the head works building. This matter was for information only.

Item No. 5 The Committee was informed by Staff that in 2007, the City was the recipient of a City/ County Firefighters Grant for purchase of an 800 MHz radio system. There are funds remaining from this grant, and the Willmar Fire Department is proposing an amendment to fund the infrastructure for two additional channels; one each at the New London and Willmar tower sites and a seven-channel remote site in the Lake Lillian area. Funding will come from the remaining grant balance in an amount not to exceed \$278,000 with no local match required by the City as the County will be covering these costs.

Staff also requested the Fire Department's budget be adjusted accordingly and the City Administrator be authorized to sign on behalf of the City. The Committee was recommending the Council approve the grant amendment to purchase the equipment as specified, adjust the budget accordingly, and authorize the City Administrator to sign the amended grant on behalf of the City.

Resolution No. 7 was introduced by Council Member Reese, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 7

BE IT RESOLVED, by the City Council of the City of Willmar to support staff's submittal and expenditure of an amendment to the 2007 Assistance to Firefighters Grant (AFG) to fund two additional channels each at the New London and Willmar tower sites and a seven-channel remote site in the Lake Lillian area to collaborate with the 800 MHz equipment already purchased through the grant; and to adjust the budget accordingly.

Dated this 12<sup>th</sup> day of January, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Public Works/Safety Committee Report for December 30, 2008, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Ahmann, and carried.

City Administrator Schmit presented to the Mayor and Council for consideration an Ordinance Amending Willmar Municipal Code Chapter 16 Regulating Sanitary Sewer Usage, Fees and Related Provisions. Following discussion, Council Member Christianson offered a motion to introduce the Ordinance Amending Willmar Municipal Code Chapter 16 Regulating Sanitary Sewer Usage, Fees and Related Provisions and set a public hearing for February 2, 2009. Council Member Anderson seconded the motion, which carried.

City Clerk Halliday informed the Mayor and Council that the Golden Palace currently holds an On-Sale 3.2% Malt Liquor License and On-Sale Wine Liquor License. The current owners have sold the establishment to Wei Lin Zhang of Saint Ann, Missouri. The new owner has applied for licenses and the City Attorney is currently reviewing the necessary insurance documents. Following discussion, Council Member Fagerlie moved to approve the liquor licenses as presented pursuant to the City Attorney approve the insurance certificates. Council Member DeBlieck seconded the motion, which carried on a

roll call vote of Ayes 8, Noes 0.

The Mayor and Council considered a number of Council reorganizational resolutions. Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Ahmann, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

#### RESOLUTION NO. 8

BE IT RESOLVED, by the City Council of the City of Willmar, Minnesota, that the 2009 through 2010 Committee appointments for members of the Council shall be provided in the list of appointments as follows:

<u>Labor Relations Committee:</u>	Chair: Steve Ahmann Vice Chair: Tim Johnson Doug Reese Denis Anderson Michael Schmit, City Administrator Steve Okins, Finance Director Municipal Utilities Commission Rice Hospital Board
<u>Finance Committee:</u>	Chair: Denis Anderson Vice Chair: Rick Fagerlie Jim Dokken Tim Johnson Michael Schmit, City Administrator Steve Okins, Finance Director Kevin Halliday, City Clerk-Treasurer
<u>Community Development Committee:</u>	Chair: Bruce DeBlieck Vice Chair: Jim Dokken Ron Christianson Steve Ahmann Michael Schmit, City Administrator Bruce Peterson, Planning/Development Services Director
<u>Public Works/Safety Committee:</u>	Chair: Doug Reese Vice Chair: Ron Christianson Bruce DeBlieck Rick Fagerlie Michael Schmit, City Administrator Jim Kulset, Police Chief Mel Odens, Public Works Director Marv Calvin, Fire Chief
<u>Woodland Centers:</u>	Tim Johnson
<u>Mid-Minnesota Development Commission:</u>	Les Heitke
<u>Cable Communications:</u>	Doug Reese and Ron Christianson
<u>Community Education and Recreation:</u>	Rick Fagerlie and Tim Johnson
<u>Rice Hospital Board:</u>	Jim Dokken (Steve Ahmann alternate)
<u>Municipal Utilities Commission:</u>	Bruce DeBlieck (Jim Dokken alternate)
<u>Convention and Visitors Bureau:</u>	Ron Christianson
<u>Human Rights Commission:</u>	Denis Anderson
<u>Allied Power Board:</u>	Bruce DeBlieck
<u>Community Center Council:</u>	Jim Dokken
<u>Sister City:</u>	Doug Reese
<u>Transit Joint Powers Board:</u>	Rick Fagerlie and Bruce DeBlieck
<u>Fire Code Appeals Board:</u>	Chair Ron Christianson; Vice Chair Denis Anderson
<u>Economic Development Commission:</u>	Les Heitke, Ron Christianson and Denis Anderson
<u>Design Center:</u>	Steve Ahmann



Housing and Redevelopment Authority: Ron Christianson (Jim Dokken alternate)

Dated this 12<sup>th</sup> day of January, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 9 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the regular semi-monthly meetings of the City Council shall be held at 7:00 p.m. on the first and third Mondays of each month during the next two years and that the regular place of said meetings shall be in the Council Chambers of the Municipal Utilities Building, 700 Litchfield Avenue Southwest, Willmar, Minnesota; and

BE IT FURTHER RESOLVED that the time for adjournment of said Council meetings shall be no later than 11:00 p.m. with the following exceptions:

1. An item of business under consideration at 11:00 p.m. may be disposed.
2. Business from the first meeting of the month will be carried over to the second meeting if necessary.
3. Any business not completed at the second meeting of the month, which is urgent and must have action will be adjourned to a special meeting.

Dated this 12<sup>th</sup> day of January, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 10 was introduced by Council Member Anderson, seconded by Council Member DeBlicke, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 10

WHEREAS, the Charter of the City of Willmar, a municipal corporation of the State of Minnesota, provides that in the absence or disability of the Mayor, an Acting Mayor shall be appointed by action of the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar as follows: that during the years 2009 and 2010, should the Mayor, the Honorable Lester Heitke, be absent or unable to act as such Mayor, that Council Member Doug Reese be and is hereby appointed as Acting Mayor to act in all said circumstances and as set forth in the Charter of the City of Willmar.

Dated this 12<sup>th</sup> day of January, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 11 was introduced by Council Member Reese, seconded by Council Member Anderson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 11

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, a municipal corporation of the State of Minnesota, that the West Central Daily Tribune of Willmar, Minnesota, be designated as the legal newspaper for the City of Willmar and that the fees set by State statutes for legal publications be accepted.

Dated this 12<sup>th</sup> day of January, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Resolution No. 12 was introduced by Council Member Reese, seconded by Council Member Anderson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 12

APPOINTING A RESPONSIBLE AUTHORITY

WHEREAS, Minnesota Statutes, Section 13.02, Subd. 6, requires that the City of Willmar appoint one person as the Responsible Authority to administer the requirements for collection, storage, use and dissemination of data on individuals within the City; and

WHEREAS, the City Council of the City of Willmar shares the concern expressed by the Legislature on the responsible use of all City data and wishes to satisfy this concern by immediately appointing an administratively and technically qualified Responsible Authority as required under the Statute.

BE IT RESOLVED by the City Council of the City of Willmar Minnesota, that the City Administrator Michael Schmit be appointed as the Responsible Authority for the purpose of meeting all requirements of Minnesota Statutes, Sections 13.02-13.87, as amended, and with rules as lawfully promulgated by the Commissioner of Administration as published in the State Register.

Dated this 12<sup>th</sup> day of January, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Mayor and Council considered a Resolution and Ordinance establishing fees for City services, permits and licenses, and rental rates for equipment. Resolution No. 13 was introduced by Council Member Reese, seconded by Council Member Christianson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 13

WHEREAS, the City Council of the City of Willmar duly establishes fees for service, sets fees for permits and licenses, and establishes rental rates for City equipment.

NOW, THEREFORE, BE IT RESOLVED that the below listed fees be duly adopted for the year

2009 and the same hereby ordered kept on file in the office of the City Clerk -Treasurer.

CITY CLERK:

Liquor License Investigation Fees:

<del>Single Person</del> <u>Sole Proprietor</u>	<del>\$ 75.00</del>	<u>\$100.00</u>
Partnership		150.00
Corporation		300.00
<u>Limited Liability Company</u>		<u>300.00</u>

Liquor Licenses:

On-Sale Liquor	\$4,000.00 per year
Off-Sale Liquor	950.00 per year
Club On-Sale Liquor	300.00 per year
On-Sale Wine	200.00 per year
On-Sale Sunday	200.00 per year
On-Sale 3.2% Malt Liquor	150.00 per year
Temporary On-Sale Liquor	100.00 per year

PUBLIC WORKS:

Maintenance Trucks:

3 –5 Ton Trucks	\$ 35.00/hour
1 Ton Truck	18.00/hour
3 –5 Ton Truck/Plow/Sander	41.00/hour
3 –5 Ton Truck/Plow/Sander/Wing	55.00/hour
1 Ton Truck Plow	27.00/hour
Tandem Truck	41.00/hour
Tandem Truck/Plow/Sander/Wing	57.00/hour
½-3/4 Ton Pickup	17.00/hour
1 Ton /Water Tank	27.00/hour

Tractors, Loaders, Motor Graders:

2 –3 CY Loaders	\$ 82.00/hour
Loader/Plow/Wing	102.00/hour
Loader/Snow Blower	122.00/hour
Motor Grader	96.00/hour
Motor Grader/One-Way Plow	102.00/hour
Motor Grader/One-Way Plow/Wing	115.00/hour
40-50 Hp Tractor	21.00/hour
40-50 Hp Tractor/Attachments	35.00/hour
MT Trackless/Blower/Mower	61.00/hour
90 HpTractor/22' Flail Mower	55.00/hour
30-40 Hp Unit Mower/Blower/Sweeper	35.00/hour
Skid-Loader	35.00/hour
Skid-Loader/Attachments	50.00/hour
Snowplowing Sidewalks (incl. labor and equipment)	0.60/LF

Specialty Equipment:

Air Conveyance Unit	\$ 55.00/hour
Elgin Sweeper (4 CY)	70.00/hour
Hydraulic Sewer Cleaner	68.00/hour
Sewer Rodder	41.00/hour
Paint Sprayer	9.00/hour
Paint Sprayer and 1 Ton Truck	27.00/hour
50' Bucket Truck	70.00/hour
30' Bucket Truck	41.00/hour
Brush Chipper	29.00/hour
Tamper	9.00/hour
Bituminous Distributor and Truck (less material)	50.00/hour
Bituminous Roller	55.00/hour

Grass and Leaf Pickup Broom	29.00/hour
Chain Saws	10.00/hour
Trailers	12.00/hour
Over Seeder	29.00/hour
Turf Pro	29.00/hour
Gator and Sprayer	27.00/hour
Generator	9.00/hour
Trash Pumps	9.00/hour
Utility Vehicle with Crane Hoist	42.00/hour
Air Compressor	25.00/hour
<b>Materials:</b>	
Winter Sand Mixed with Salt	\$ 50.00 CY
Gravel	20.00/Ton
Bituminous Cold Mix	95.00/Ton
Chalk Dust (50lb. bag)	6.00/bag
Diamond Dry (50lb. bag)	12.00/bag
Bituminous Repair (incl. labor and equipment)	45.00/SY
<b>Facilities or Equipment:</b>	
Bleachers – 3 or 5 High	\$ 25.00/day
Minimum moving charge	75.00/day
Picnic Tables – Rental per table (12 maximum)	10.00/day
Barricades	2.00/day
Minimum charge for hauling barricades	20.00
Lights for ball fields (per day each field)	25.00
<b>Labor:</b>	
Regular	Contract rate plus 35%
Overtime	Contract rate plus 35%
<b>Access Fees:</b>	
Industrial Park Storm Pond	\$ 835.00/acre
Lake North Lift Station	595.00/acre
Arby's Lift Station	1,050.00/acre
Ortenblad Lift Station	247.91/lot
Abbott Drive, Lift Station	895.00/acre
<b>Engineering Department:</b>	
Director:	\$ 75.00/hour
Engineer	60.00/hour
Technician	40.00/hour
<b>COMMUNITY EDUCATION AND RECREATION:</b>	
Adult recreation programs will charge cost of program, officials, balls, sanctioning fees, etc., plus <del>\$5.00</del> <u>\$7.00</u> per team court fee for volleyball/basketball and \$10.00 per team field fee for softball.	
Baseball/Softball Fields	Minimum \$50.00 or <del>\$20</del> <u>\$30.00</u> per game With a \$250.00 daily rate
Robbins Island enclosed shelters*	<del>\$60.</del> <u>\$70.00/day</u> April - November 120.00/day for heat
*Plus clean-up/damage deposit	50.00
Open shelters	30.00/day
Indoor Playground	30.00/hour with \$200.00 damage deposit
<b>Showmobile:</b>	
Events in Willmar (not for profit)	\$200.00/day +staff expenses
Events in Willmar (for profit)	500.00/day +staff expenses
<del>Events out of town</del>	<del>300.00/day +staff expenses</del>
<del>— Damage deposit \$200.00, returnable once inspection completed</del>	
<b>Civic Center:</b>	
Dry floor events	\$580.00/day

Ice Rental		120.00/hour
Blue Line Center		100.00/hour
Aquatic Center:		
Individual season pass		\$ 85.00
Family of 2		125.00
Family of 3		135.00
Family of 4		145.00
Family of 5		155.00
Family of 6 or more		165.00
Daily Admission Rate	4.00	<u>3.00</u>
Observers		2.00
Group Admission	3.00	<u>2.50</u>
<del>Star Light</del>		<u>3.00</u>
Discount Coupons:		
10 Coupons	35.00	\$ <u>25.00</u>
20 Coupons	60.00	<u>45.00</u>
Pool Rental:		
2-hour minimum		\$100.00 per hour plus guard/staff fees

FIRE DEPARTMENT:

Firefighter hours that are billed are taken directly from the roll call list.

Firefighters receive a ~~\$14.00~~ \$14.30 per hour and are paid in one-hour increments.

Equipment:	<u>1<sup>st</sup> Hour</u>	<u>Additional Hours</u>
1 <sup>st</sup> line pumper - 5251, 5257 and 5258	\$300	\$200/hr
2 <sup>nd</sup> line pumpers - 5252	200	150/hr
Tanker/pumpers 5276	150 <u>300</u>	400 <u>200/hr</u>
Ladder truck - 5299	500	400/hr
Personnel carrier - 5293	100	50/hr
Grass rig - 5285	150	100/hr
Support Vehicles – 5296, 5297	75	50/hr
Equipment charges are billed by the quarter hour as time listed on the fire report, after initial one-hour charge.		
Special equipment and supplies used will be billed on a cost basis.		

A 25% administrative fee will be added to fire watch/standby conducted by the Fire Department for special events and any standby conducted during fire protection/detection system downtown (as described in the Minnesota State Fire Code).

3000 PSI (only) air tank filling fee	\$15.00
Fire Reports	<u>25.00</u>

POLICE DEPARTMENT:

~~\$50.00~~ \$60.00 per hour for off-duty police officers

Dated this 12<sup>th</sup> day of January, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Mayor and Council considered an Ordinance Amending Fees Charged by the City of Willmar for Planning and Development Department fees and City Licenses and Permits issued by the City Clerk. Council Member Reese offered a motion to introduce the Ordinance Amending Fees Charged by the City of Willmar and to set a public hearing for February 2, 2009. Council Member DeBlieck seconded the

motion, which carried.

City Administrator Schmit discussed with the Mayor and Council the matter of conducting a Council Work Session to discuss budget-related issues. Council Member Anderson moved to schedule a Council Work Session for 5:00 p.m., Tuesday, January 20, 2009. Council Member Fagerlie seconded the motion, which carried.

The Mayor and Council considered Council meeting dates for the month of January and February, 2009. Following discussion, Council Member Reese moved to cancel the second Council meeting in January with Council Member Anderson seconding the motion, which carried. Council Member Christianson moved to reschedule the second Council meeting in February to Tuesday, February 17, 2009, due to the Presidents Day holiday. Council Member Anderson seconded the motion, which carried.

The Mayor and Council discussed dates for the 2009 Strategic Planning Session. It was the consensus of the group to schedule the Planning Session for March 6 and 7, 2009.

Announcements for Council Committee meeting dates were as follows: Community Development, January 14; Public Works/Safety, January 15; and Public Works/Safety, January 27, 2009.

There being no further business to come before the Council, the meeting adjourned at 8:55 p.m. upon motion by Council Member Christianson, seconded by Council Member Reese, and carried.

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
SECRETARY TO THE COUNCIL